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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 71493-863

In re application of FREDERIC SIMARD, ET AL)

Serial No.: 09/750,015)

Filed : DECEMBER 29, 2000)

For : APPARATUS AND METHOD FOR PACKET-
BASED MEDIA COMMUNICATIONS)

) Art Unit: 2642

) Examiner:

DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

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MAY 29 2001

OFFICE OF PETITIONS

Sir:

I, James McGraw, of 45 Rich Little Drive, Ottawa, Ontario, K1V 9Y2, Canada, make oath and say:

1. I am a registered Patent Agent (United States Registration Number 28,168) and partner of Fetherstonhaugh & Co. under which I am authorized to represent Smart & Biggar and Fetherstonhaugh & Co.
2. I have been appointed as agent to represent the Applicants in United States Patent Application Serial Number 09/750,015, filed December 29, 2000, entitled APPARATUS AND METHOD FOR PACKET-BASED MEDIA COMMUNICATIONS.
3. This application was prepared by Sean Murray, an employee of Fetherstonhaugh & Co. who has now left Fetherstonhaugh & Co., under my supervision.

- 2 -

4. A substantially complete draft of the application was sent on December 18, 2000 to inventor Simard who communicated this draft to inventors Edholm and Cuddy.
5. I received permission through Mr. Murray from the Applicants to file this application before the end of December 2000 without a signed Declaration.
6. On January 8, 2001 I sent a Declaration and Assignment along with a complete copy of the application as filed, namely the specification including claims and drawings, to Mr. Simard with an instruction for him to sign the Declaration and Assignment and forward all of the documents on to Mr. Cuddy and Mr. Edholm for them to sign and return the Declaration and Assignment.
7. On March 8, 2001 I received a message from inventor Simard that he and inventor Edholm would sign the documents but that inventor Cuddy had left Nortel Networks Limited, the Assignee of this application.
8. On April 18, 2001 I received the documents executed by Mr. Simard and Mr. Edholm.
9. On April 19, 2001 Christopher MacMillan, Senior Patents Coordinator of Smart & Biggar, sent to Mr. Cuddy by courier at his home address the Declaration and Assignment for execution.
10. On May 15, 2001 the documents and letter were returned with a note saying "Mr. Cuddy is no longer employed by Nortel".
11. On May 16, 2001 Mr. MacMillan telephoned Mr. Cuddy who indicated that he would not sign any documents relating to this application or any other matter to do with his former employer.

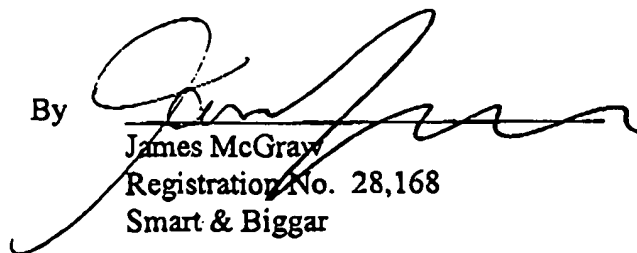
- 3 -

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

FREDERIC SIMARD, ET AL

By



James McGraw
Registration No. 28,168
Smart & Biggar

Dated: May 23, 2001

Ottawa, Ontario, Canada
Tel: (613) 232 2486 ext. 310

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